

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

AMY L. TWITCHELL,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant

Civil No. CV-04-0331-CI

ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's final decision be reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to a different administrative law judge to (1) fully evaluate the opinions of James Bailey, Ph.D., in particular his opinion contained in the Psychological/Psychiatric Evaluation form; (2) reevaluate Plaintiff's subjective complaints and credibility,

1 particularly regarding her use of medication and level of treatment; (3) evaluate  
2 the diagnosis of obesity and any functional limitations; (4) reevaluate the severity  
3 and limitations related to Plaintiff's mental impairments; (5) reevaluate Plaintiff's  
4 residual functional capacity; and (6) obtain further vocational testimony, if  
5 necessary. Plaintiff may present new arguments and further medical evidence, if  
6 such evidence becomes available.

7 This case is reversed and remanded on the above grounds pursuant to  
8 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will  
9 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C.  
10 § 2412(d).

11 DATED this 6th day of June 2005.

12  
13 S/ CYNTHIA IMBROGNO

14 UNITED STATES MAGISTRATE JUDGE

15 Presented by:

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